

East Palestine Village Council Monday March 11, 2013-Community Center- 7PM

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. The minutes from the February 25 meeting were approved on motion from Mr. Elzer, seconded by Mr. Figley. The monthly reports for February were approved on a motion from Mr. Tyger, seconded by Mrs. Wisser.

AGENDA- Jacob Korzenioski spoke on his Eagle Scout project at the Park. He stated his plan is to clean out, edge and put new sand in the volleyball courts. He plans on raffling off quilts his mother made to help pay for the project. Mrs. Wisser told him to be careful because there is an infestation of some type of flying bug there in the summer, but that they won't sting. Mr. Cohen made a motion to accept Mr. Korzenioski's plan, seconded by Mr. Tyger. All in favor.

Lisa Hamner on Community Center fees. Mrs. Hamner began by stating that there is a big debate on waiving the fees at the Community Center, people are either 100% for it or 100% against it, the citizens of the community made a tough choice by voting to renew the levy for the park, it's a very tough economy and there a lot of levies that didn't pass in the surrounding areas. It is a valid point about giving the center away after renewing the levy, but it is commendable that the Village wants to work with the non profits. Giving away \$2000 a year comes out to \$39 per month and that is a small token of appreciation to these organizations. It also sends a message of cooperation. The Park is part of our community and where we watch our kids play sports and celebrate holidays and make memories, but our park could not exist without these organizations. The Village and these organizations share the same causes and our efforts should be to assist these organizations while insuring it's not open season for all non profits. We should look for guidance for specific non profits for the waivers that way it could still be rented and give back to the organizations at the same time. Mr. Elzer stated that he has asked the Law Director for legislation on this subject so it will be done in the next 3 meetings one way or another.

At this time, Mayor Zuch announced that Sgt. Johnson would be giving a demonstration with the K-9 Toney. Manager Monteleone stated that 4 years ago Ron Venezia donated a Blazer to the Policemen's association and they raffled it off and the money obtained for that was put away to put towards something for the PD. When Monteleone arrived here and in speaking with now Chief Dickey they decided that a K-9 unit would be advantageous to the Village. They started out with the original money from the Blazer, around \$4500.00 and ended up raising approximately \$14,000.00. Monteleone thanked everyone in the Village for stepping up and being so generous but a special thank you to Ron Venezia for getting the ball rolling. The money paid for the K-9 and for Sgt. Johnson's training. And the K-9 was given the name "Toney" in honor of Ron's son Toney that had passed away. At this point Chief Dickey explained how probable cause works in the case of the K-9 unit. After Sgt. Johnson's demonstration with K-9 Toney Chief Dickey presented plaques to Ron Venezia and his granddaughter Ellie for all of their help with the acquisition of K-9 Toney.

NO CLERKS REPORT

MAYOR: Mayor Zuch stated she attended the County Health Board meeting. She said that House Bill 59 is pending in the state legislature and would require all health departments to become accredited through a company in Virginia at a cost of \$20,000.00, and additions costs of 50 to \$60,000.00 more to operate. This will regionalize the health departments and do away with all of the small ones. The Health Board has asked that everyone call their representatives to show their displeasure with HB 59. She said that Dog Days will be on May 11 this year and is being headed up by Sandy and Larry Wales. The Wales have asked for anyone with ideas for projects to please call them. National Organ Donor Day will be on March 23 at Clark St. Fire Station from 11 -2, and volunteers are needed. Saturday March 16 will be breakfast with the Easter Bunny from 9 to 11 and the Easter Egg hunt will be at 11:30, there is no rain date this year.

MANAGER: Village Manager Monteleone stated council had received his written report and if anyone had questions feel free to ask. Mr. Elzer asked if there was anything new on Sumner St. Monteleone said, no. They are going to work on taking that section of sidewalk out.

LAW DIRECTOR: Atty. Smith stated she creates legislation on what city management or council requests. In reference to the White alley vacation, prior to the meeting she passed out new legislation to replace what was in the packets and she will request that an amendment to the agenda be made to include this new ordinance. She stated that subsequent to drafting the original legislation it was brought to her attention that

all property owners with land contiguous to the alley had signed letters stating they had no problem with it, so the process could proceed without a public hearing. It is written as an emergency as is the ordinance for Dr. Ortenzio and they were presented to her as being needed to be so even though they will go three readings. She stated that the emergency language on legislation that is to go three readings is designed to avoid the 30 day waiting period upon passage. Another way to go about it to avoid the emergency language as she is aware of councils concern with emergencies, at any point during the readings an amendment can be made to make them an emergency. On the legislation for the part time seasonal she was not aware it was going to be emergency and that it was added in title after she submitted it; however the section she puts in about it being for health safety and welfare which is the purpose for it being emergency was left out. Mr. Cohen said he doesn't like emergencies and the main reason is so council can give due thought to the ordinances and for the residents to come to meetings. If legislation is passed as emergency after one reading, council doesn't have time for adequate consideration and also there is a specific reason for the 30 day waiting period after it's passed. Everyone in the state of Ohio has a right to petition by referendum if they do not like legislation passed by council and that petition has to be filed within 30 days of passage of the ordinance. By passing legislation by emergency it takes away that right because it eliminates that 30 days. Mr. Elzer stated that it is a long period of time, 6 weeks plus 30 days, he asked Mr. Cohen if we have to shorten it are we better off passing it and keeping the 30 days or is it better to have the 3 readings up front. In reference to the re zoning ordinance especially it is important for the people to have their input and more important to have that 30 day period if they want it changed. By taking a stand against emergency legislation it causes everyone to have to think ahead. Mr. Elzer said that concerning the alley vacation and rezoning it has to do with land being transferred so there is a need to not have to wait. Atty. Beagle stated they don't fit the definition of emergencies. Mr. Figley stated in the case of the paving it would be six weeks, then thirty days, and then advertising for two weeks. It would be hard to get done. Mr. Cohen stated that since he has been on council the majority of legislation have been emergencies. Monteleone said that we are not being apathetic, and being new management as far as the roads the work is being done as fast as possible, but there are still time constraints. He said they are going to begin working on the roads for next year now so as not to have this problem again. Mr. Elzer said that emergency legislation now is a lot less than it used to be but sometimes there is no choice.

STREET: Mr. Figley stated there was a Street Committee meeting Monday and together with the Manager they presented the streets to be paved and chip & sealed. They proposed to grind and pave East & West Clark St., and pave only Pinetree Circle, Grant St., Kenmar, W. North, Sunset, Grandview, Edgewood, Evergreen and Neely Manor. Chip & Seal for Cyland Ave., Sumner, Stacey, Adams, Wallace, the Park Circle and West St. Monteleone said in 2014 with SRTS there will be a sidewalk put in on West St. from the school to the Park and they didn't want to pave it and then tear it up for sidewalks. Mr. Figley requested Atty. Smith do legislation for the paving. Mr. Figley made a motion to accept the proposed plan for chip & seal, seconded by Mr. Cohen. All in favor, motion carried.

SAFETY/PARK/REC/CEM: Mr. Cohen stated he had no report. He plans on having a committee meeting before the next meeting or the first meeting in April. He will make sure everyone has adequate notice ahead of time. Atty. Beagle asked Chief Dickey to explain what he was doing at the PD. He stated they are working on the basement, with a lot of volunteer hours from the officers to make a meeting/training room and command center in the case of a disaster and it looks great.

DEVELOPMENT: Mr. Elzer stated the Street Fair is on track and they will start selling t-shirts and tickets soon and they will need volunteers. Last week a resolution was accepted to take \$10,000.00 from the County Commissioners for an officer for the Drug Task force and that money is from the first casino revenue. He said in an article in the paper last week it stated that \$200,000.00 had been cut from the General fund for this year reducing money spent while increasing services, and the Manager and Finance Director have done a remarkable job. Mr. Cohen stated that by getting that \$10,000.00 and placing an officer on the Drug Task Force, we now get the services of the task force. We are not losing an officer; we are gaining the task force. In reference to HB 59, even if you don't use the health department in Lisbon, they are the ones who inspect everything here and we don't want to lose them.

UTILITY: NO REPORT

FINANCE: NO REPORT

At this point Mayor Zuch gave a brief explanation of tonight's legislation. In reference to the Brittain legislation Mr. Elzer asked Atty. Smith what it would take to re instate this process at a later date if need be, if

it would be starting at the beginning and she said yes it would be. In reference to the Community Center legislation Mr. Elzer stated he asked for this to be drawn up so it can be discussed and a decision to be made. He said out mission is to make this the best place possible to live and work. We should all be working toward the same goal. Atty. Beagle said that even if this ordinance doesn't pass doesn't mean that we don't support the non profits; it just means we have decided not to do it. Mr. Elzer said the Village does work with the non profits. Mr. Cohen stated that there is uncertainty as who will be getting it and what a nonprofit is and the difficulty at the office trying to decided who would and who wouldn't get it. The statement "non profits that benefit the Village" is vague and that guidelines are needed. What happens if a nonprofit wants to rent the center every Saturday for the summer? Mr. Elzer said non profits are all working to benefit the community and that wouldn't happen. Mr. Cohen stated that a lot of organizations that think they are non profit really are not. Mr. Elzer said he is only thinking of 5 or 6 specific organizations. Mr. Figley said there are taxpayers here that voted for the levy have a problem with it. Mr. Elzer said there are no guidelines intentionally, to spur discussion and if we make guidelines we don't have to go thru the entire process again. Monteleone said that within a week of this coming out in the paper we had five or six phone calls from people who said they were non profits. Mr. Elzer said there is more to be gained if this is changed than what would be lost financially. He said that a nonprofit can do more with \$60 than the Village can. A nonprofit has no salaries or overhead, that money goes directly to the goal of making this a better community. The Village has a lot of overhead. Atty. Beagle stated that non profits have to have overhead to get nonprofit status. Mr. Elzer said they still bring money in; they just don't spend it on overhead. Atty. Beagle stated then they can afford to pay a \$60 rental fee. Atty. Beagle stated by charging non profits rent, doesn't mean we don't support or appreciate them. Mr. Elzer said what's happened in the last year and half is great but this is a stumbling block. In reference to the Ortenzio legislation Mr. Elzer said that was a Dr's office before zoning came into play so there was a non conforming use permit issued and he is now planning to retire and wanted to broaden the zoning for more appeal to buyers and Mayor Zuch stated he is trying to get another medical facility in there. Mr. Cohen said he thinks it's a very bad idea to do this, it's at the entrance of the park and you could get any business even a gas station there if the zoning is changed. Once its zoned commercial, we lose control over what goes there. Mr. Cohen said he can keep it as is and sell it to a Dr's office and its fine, but he wants to broaden the appeal.

VISITORS COMMENTS ON CURRENT LEGISLATION: In reference to emergency legislation, Dianna Elzer asked if it was possible to read an ordinance one time and then vote on it and still have the 30 day period. Atty. Smith stated that it must go 3 readings and then a vote and then the 30 days unless someone makes a motion to make it an emergency and then it would not have the 30 days. Emery Coon said that W. Martin St. extension has needed paved for a long time, it was supposed to be done when Martin St. was done but it got put off. Mr. Figley agreed the street needs done but there is only so much money and maybe it could be put on the chip and seal. Mr. Elzer asked Lisa Hamner to speak on the village clean up coming up. Hamner said it will be on April 1, all items have to be at the curb by 5 a.m. that day, items should be separated and bundled. Furniture, appliances, and tires will be accepted. All money generated from scrap metal picked up that day will go to the street fair.

VISITORS: Katie Schwendeman, Chief Kevin Dickey, Officer Jim Brown, Mary Anne Tyger, John & Bonnie Davis, Fran Beers, Charlie Hutchens, Office Don Johnson, chuck McGuire, Dianna Elzer, Kristin Bataglia, Scott Wolfe, Patty Bosley, Jerry Coblenz, Frank & Linda Ungaro, Russ & Patty Werner, Kip Reeves, Brent Wilson, Ron & Sue Venezia, Jacob Korzeniowski, Jackie Korzeniowski, Pam Figley, Larry & Terry Ward, Officer Emery Coon, Mark Harris, Chelsee Teleha, Shane Hamner, John & Lisa Hamner, Tami Harris, Angie McCarthy, Ellie Venezia, Officer Brian Moore, Officer Matt Elser, Officer Jen Calko, Officer Tom Wire, Traci Thompson, and one illegible signature.

LEGISLATION: Atty. Beagle introduced **Res. 4-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. **A resolution setting forth specific authorization of the Columbiana County Auditor to certify to the Municipality of East Palestine the total current tax valuation of the municipality and the dollar amount of revenue which would be generated by a five year fire levy renewal in the municipality for purposes of providing and maintaining fire apparatus, appliances, buildings, or sites therefore, or sources of water supply and materials therefore, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part time, or volunteer fire fighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the revised code, or the purchase of ambulance equipment or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company; pursuant to Ohio**

revised code section 5705.19 (l). Atty. Beagle called for a vote on **Res. 4-2013**. Atty. Beagle-y, Mr.Elzer-y, Mr. Cohen-y, Mr. Figley-y, Mr. Tyger-y, Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced **Ord. 6-2013** for a 3rd reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance accepting the annexation of 9.312 acres known as the “Brittain Motors Annexation”.** Atty. Beagle called for a vote on **Ord. 6-2013**. Atty. Beagle-n, Mr. Elzer-n, Mr. Cohen-n, Mr. Figley-n, Mr .Tyger-n, Mrs. Wisser-n. 6 no’s, voted down unanimously. Atty. Beagle introduced **Ord. 7-2013** for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance authorizing the municipal manager to advertise, interview and hire an aquatic director, with council further fixing the rate of compensation and hours of work, pursuant to section 3.08 (d) of the Charter of the Municipality of East Palestine.** Atty. Beagle introduced **Ord. 8-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. Mr. Figley made a motion to declare this ordinance an emergency (the emergency clause was left out of the body of the ordinance) seconded by Mr. Elzer. 5 yes and 1 no (Mr. Cohen). Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Tyger. All in favor. Atty. Beagle called for a vote on **Ord. 8-2013**. Manager Monteleone stated that they were just going to read it tonight and then vote next meeting, and Atty. Beagle stated that they can’t keep doing that. Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Cohen-y, Mr. Tyger-y and Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced **Ord. 9-2013** for a 1st reading and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance amending codified ordinance section 248.05 and ordinance 7-2008 as to collection of fees associated with the use of the Park Community Center for all non-profit organizations benefiting the Village of East Palestine.** Atty. Beagle introduced **Ord. 10-2013** for a 1st reading and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance to amend ordinance No. 1775 in order to change the zoning classification of real property located at 40 Park Dr. from classification RS-1 to B-1, pursuant to sections 4.12 and 4.13 of the municipal charter and declaring an emergency.** Atty. Beagle asked if that was just a reading. Mr. Cohen stated it was because it now has to go back to the Planning Commission for a public hearing. Atty. Smith stated the Planning Commission has already approved it but the Charter requires it first come to council then to the Planning Commission for a public hearing so we have to do that to comply. Mr. Elzer asked if this would be read again at the next meeting, and Mr. Cohen said not if the public hearing hasn’t been held. Atty. Smith said per the Charter there has to be 15 days for notification in the paper. Atty. Beagle introduced **Ord. 11-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. Mr. Elzer made a motion to remove the emergency clause from **Ord. 11-2013**, seconded by Mr. Cohen, all in favor. Manager Monteleone stated he spoke with Mr. White and we need it to go into effect on that 3rd reading on April 8 and Atty Smith stated that at the 3rd reading someone can make a motion to make it an emergency. Atty. Beagle made a motion that **Ord. 11-2013** be read in its amended form for a 1st reading (with the emergency clause being removed) seconded by Mr. Cohen, all in favor. **An ordinance vacating the remaining portions of an un-named alley running between Market St. & Oak St. and directing the Clerk to notify the Auditor of Columbiana County of the vacation of said alley.**

ADJOURN: Mr. Cohen made a motion to adjourn, seconded by Atty. Beagle. All in favor, meeting adjourned.

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MAYOR MARGO ZUCH	MISTI J. MARTIN CLERK